

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**NATIONAL LABOR RELATIONS
BOARD,**

CIVIL ACTION NO. 10-MC-50404

Applicant,

DISTRICT JUDGE SEAN F. COX

vs.

MAGISTRATE JUDGE MONA K. MAJZOUN

**CLUB METRO INVESTMENTS, LLC.,
DETROIT HOTEL MANAGEMENT, LLC.,
QUANTUM HOTELS, LLC, AND REMO
POLSELLI,**

Respondents.

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**ORDER GRANTING APPLICATION TO ENFORCE SUBPOENAS DUCES TECUM
AND SUBPOENA AD TESTIFICANDUM (DOCKET NO. 1)**

Before the Court is an Application for Order Enforcing Subpoenas Duces Tecum and Subpoena Ad Testificandum, filed by the National Labor Relations Board (“NLRB”) on April 1, 2010. (Docket no. 1). Respondents have not filed a response and the time for responding has expired. This matter was referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 3). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(e). This matter is now ready for ruling.

On October 20, 2009 unfair labor practice charges were filed with the NLRB against Respondent Quantum. On February 11, 2010, on behalf of the NLRB, the Regional Director of Region Seven issued three subpoenas duces tecum directing the custodian of records of Respondents Club Metro, Detroit Hotel, and Quantum to appear on February 22, 2010 at the Board’s Office for

Region Seven in Detroit, Michigan to give signed affidavit testimony and to produce certain documents. On February 11, 2010, the Regional Director of Region Seven issued a subpoena ad testificandum directing Respondent Remo Polselli, a partner for Respondent Quantum, to appear on February 24, 2010 at the Board's Office for Region Seven in Detroit, Michigan to give signed affidavit testimony. The parties subsequently agreed to an extension to March 17, 2010 for Respondents to provide the requested documents. Respondents have neither petitioned to revoke the subpoenas, produced the requested documents, or appeared as directed.

The Court has reviewed the subpoenas, the pleadings, and other exhibits submitted by the Applicant, and finds that the NLRB's issuance of the subpoenas duces tecum is within the lawful jurisdiction of the government authority seeking the requested sworn testimony and documents, and that the subpoenas were issued for a legitimate statutory purpose; that the testimony and documents sought are reasonably relevant to that purpose; and that the NLRB has observed all pertinent statutory procedures.

IT IS THEREFORE ORDERED that the Application for Order Enforcing Subpoenas Duces Tecum and Subpoena Ad Testificandum (docket no. 1) is **GRANTED**.

IT IS FURTHER ORDERED that Respondents Club Metro, Detroit Hotel, Quantum, and Remo Polselli shall comply with NLRB Subpoenas Nos. B-572854, B-572852, B-572850, and A-862224 and appear before the Board at a time and place as the Regional Director may designate to produce all the records requested in the subpoenas and to give testimony as directed, including signed affidavit testimony.

Respondents' failure to comply with this order may result in the imposition of sanctions.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: May 6, 2010

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: May 6, 2010

s/ Lisa C. Bartlett
Case Manager